August 22, 2019

<u>Via CM/ECF and Electronic Mail</u>

Hon. Andrew L. Carter, Jr.
U.S. District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: ***<u>Moore, et al v. Cohen, et al.</u>*, <u>1:19-cv-4977-ALC</u>**

Dear Judge Carter:

   The parties in the above-referenced case respectfully submit this joint status report pursuant to the Court's order of August 1, 2019, requiring the parties to submit a joint report detailing settlement discussions and, if necessary, providing proposed briefing schedules for the anticipated motion to stay and motion to dismiss (ECF No. 44).

   After the initial pretrial conference, the parties discussed settlement by phone, but were unable to reach any agreement. Plaintiffs state that they made a settlement offer, but Defendants did not make a counter-offer. Defendants state that they did not make a counter-offer because Plaintiffs' offer was not consistent with representations made at the August 1, 2019 conference. Plaintiffs submit that this characterization is simply not true, and states that there was only one substantive discussion of settlement and Defendants did not and have not since made a counteroffer, which Plaintiffs' counsel said would be entertained, and stated instead that they were confident in their defenses.

   Because the parties are at an impasse, the parties respectfully request that the Court enter the following briefing schedule for Defendants' motion to dismiss:

   Defendants' motion due September 12, 2019;

   Plaintiffs' opposition due October 15, 2019; and

   Defendants' reply due October 29, 2019.

   During the course of those conversations, Plaintiffs stated that, at this time, they are not filing a petition for a writ of mandamus to the D.C. Circuit seeking to reverse the transfer of this case to this Court. Accordingly, Plaintiffs no longer intend to move for a stay of these proceedings.

Respectfully Submitted,

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/s/Elizabeth A. McNamara
Counsel to Defendants

Klayman Law Group
/s/ Larry Klayman
Counsel to Plaintiffs

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